

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

L and L Gold Associates, Inc.,
d/b/a American Jewelry and Loan,
a Michigan corporation,

Case No. 09-10801

Plaintiff,

Hon. George Caram Steeh

v.

American Cash for Gold, LLC,
d/b/a American Cash for Gold,
a Michigan limited liability company,
and **Majid D. Cholak**, an individual,

Defendants.

CONSENT JUDGMENT AND PERMANENT INJUNCTION

The parties having put their agreement on the record in open court on August 19, 2009; and the Court having further considered the entry of a Consent Judgment and Permanent Injunction as contemplated by said agreement, in open court on November 3, 2009, and the Court being fully advised in the premises therefor;

1. NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants, their directors, officers, agents, servants, employees, attorneys, and all other persons in active or participation with them who receive actual notice of this Order are permanently enjoined from using, registering, or applying for any trademark, trade secret, or service mark identical or confusingly similar to Plaintiff's service mark "AMERICAN JEWELRY AND LOAN," including, but not limited to, "American Cash for Gold" and/or any mark incorporating any of or consisting of the terms, "American" or "Loan," in connection with

any business or service with which they are in any way affiliated, employed, or contracted, or in which they have any equity or business interest, or for which they are an agent; and

2. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the mark “Michigan Cash for Gold” is not confusingly similar to Plaintiff’s mark and Defendants may use that name in connection with business as a “Dealer” in precious metals or gems, as such term is used under MCL 445.481 (“Dealer”); and

3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants, and any individual or entity with which they are in privity or active participation, shall not conduct business as a pawnbroker, as such term is used in MCL 446.201 et seq., nor will they own, operate, act as an agent or contractor for, or have a substantial financial or equity interest in any pawnbroker business located within 2 miles of 20450 Greenfield Road in Detroit, for as long as Plaintiff conducts business as a pawnbroker or operates a similar business at 20450 Greenfield Road in Detroit; provided that, nothing herein shall preclude Defendants from working as a “Dealer” under MCL 445.481 et seq., or from owning, operating, or being affiliated in any manner with a Dealer in precious metals or gems or from operating a pawn business at other locations more than 2 miles from Plaintiff’s Greenfield Road location; and

4. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on or before October 3, 2009, Defendants, to the best of their ability, shall cause all advertisements and other postings displaying or referring to the mark “American Cash for Gold” or any confusingly similar mark on Internet search engines, including, but not limited to, www.google.com and www.yahoo.com, and other Internet websites of which they are aware, to be removed and/or taken down from such websites; and shall continue to promptly do so as to any additional search engines, websites, or other forms of electronic media of which they subsequently become aware

or are made aware, by Plaintiff or otherwise, which display the “American Cash for Gold” mark; and

5. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants shall, to the best of their ability, cause to be removed and eliminated from any and all print media, including subsequent editions of any telephone or other directories, including, but not limited to, the Yellow Pages, Yellow Book, and White Pages, any advertisements or listings for “American Cash for Gold” or any confusingly similar mark as to any business at any location with which Defendants have any affiliation whatsoever; and

6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants shall take no action contrary or hostile to Plaintiff’s registered service marks, i.e., U.S. Registration No. 3,654,202, for the mark AMERICAN JEWELRY AND LOAN and Michigan Registration No. M09151, including but not limited to filing any judicial or administrative challenge, opposition, or request for cancellation of any such mark; and

7. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on or before September 18, 2009, Defendants shall, jointly and severally, pay to Plaintiff the sum of fifteen thousand dollars (\$15,000); and

8. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff and Defendants shall each refrain from uttering or publishing any non-privileged, false and defamatory statements regarding the other party(ies); and

9. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff and Defendants waive all rights to appeal from this Consent Judgment and Permanent Injunction; and

10. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court does not have jurisdiction over, nor shall this Order be construed to have any preclusive effect as to, any proceedings pending in any other court or before any administrative tribunal; and

11. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter solely for purposes of adjudicating any violations and enforcing the terms of this Consent Judgment and Permanent Injunction; and

12. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this constitutes the final judgment of the Court as to all claims in this matter.

Dated: November 13, 2009

s/George Caram Steeh
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 13, 2009, by electronic mail.

s/Marcia Beauchemin
Deputy Clerk